



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR EMERGENCY SUMMARY ACTION MEETING

Held at 5:00 p.m. on Thursday, April 19, 2007

9545 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

Board Members

William R. Martin III, M.D., Chair
Douglas D. Lee, M.D., Vice Chair
Dona Pardo, Ph.D., R.N., Secretary
Patrick N. Connell, M.D.
Dan Eckstrom
Robert P. Goldfarb, M.D., F.A.C.S.
Patricia Griffen
Ram R. Krishna, M.D.
Lorraine L. Mackstaller, M.D.
Paul M. Petelin Sr., M.D.
Germaine Proulx
Amy J. Schneider, M.D., F.A.C.O.G.

CALL TO ORDER

The meeting was called to order at 5:00 pm.

ROLL CALL

The following Board Members were present: Patrick N. Connell, M.D., Dan Eckstrom, Robert P. Goldfarb, M.D., Ram R. Krishna, M.D., Douglas D. Lee, M.D., Lorraine Mackstaller, M.D., William R. Martin, III, M.D., Dona Pardo, Ph.D., R.N., Germaine Proulx, and Amy J. Schneider, M.D. The following Board Members were absent: Patricia R.J. Griffen and Paul M. Petelin, Sr., M.D.

CALL TO THE PUBLIC

Statement issued during the call to the public will appear beneath the case referenced.

TIME SPECIFIC MATTER

NO.	CASE NO.	COMPLAINANT v PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-0247A	AMB MARVIN. L GIBBS	13736	Consideration of Summary Action

Marvin L. Gibbs, M.D. was present and spoke during the call to public. Dr. Gibbs stated he was never in the office when JE received refills, he was unaware of how a patient could obtain medications from him and stated there was no medication available to dispense as the only medication in his office was test dose quantities and was not used after his license had been suspended.

Celina Shepherd, Case Manager presented the case to the Board. On August 25, 2006 the Arizona Medical Board (Board) summarily suspended his license for inappropriate treatment of erectile dysfunction. At the February 2007 Board Meeting, the Board accepted the Administrative Law Judge (ALJ) decision to suspend the license for time served, a one year probation and sustained the medical records violation. While pending the ALJ's decision and while his license was summarily suspended, Dr. Gibbs failed to renew his license resulting in his license being suspended by operation of law.

Dr. Gibbs currently has two cases that have been referred to formal hearing for revocation; therefore, his license cannot expire for failure to renew and is suspended until the open cases are resolved. Dr. Gibbs' license has not been active since August 25, 2006.

Ms. Shepherd stated a former employee and patient JE testified Dr. Gibbs provided medication refills in the office Dr. Gibbs testified in an investigative interview with Board Staff that he instructed his employee to contact patients to ask if they needed a medication refill, during the time his license was suspended. A pharmacy survey obtained by Board Staff indicated large doses of medications were prescribed to his office with script instructions stating "for office use only" during the period his license was suspended. Ms. Shepherd noted the pharmacy survey also indicated the amount of medication provided to his office, during that time, far exceeded test dose quantities.

MOTION: William R. Martin, III, M.D. moved for an Executive Session.

SECONDED: Patrick N. Connell, M.D.

Vote: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 5:16 p.m.

The Board returned to Open Session at 5:23 p.m.

No deliberations or discussions were conducted during Executive Session.

Robert P. Goldfarb, M.D. asked Board Staff if it was possible for Board Staff to determine whether or not the prescriptions were written by Dr. Gibbs or if they were sent to his practice.

Ms. Shepherd stated prescriptions were called in and included orders from Dr. Mohammad and Dr. Gibbs. Three of the prescriptions were found to be written to Dr. Gibbs by Dr. Gibbs for office use only. One of the scripts was for needles and syringes, and the other two were for the medication used to treat erectile dysfunction. Ms. Shepherd confirmed this occurred during the time his license was suspended by operation of law.

Timothy Miller, J.D., Executive Director informed Board members that he had been in recent discussions with Dr. Gibbs and his attorney regarding how the suspension might be lifted in the future and that Dr. Gibbs and his legal counsel were well aware of the suspension.

MOTION: Patrick N. Connell, M.D. moved to summarily suspend the physician's license based on an imminent threat to public health and safety.

SECONDED: Robert P. Goldfarb, M.D.

Ram R. Krishna, M.D. felt Dr. Gibbs' case should be forwarded for a Formal Hearing and asked if that was accomplished by Dr. Connell's motion. Christine Cassetta, Board Legal Counsel informed Dr. Krishna that when a license is summarily suspended the case is automatically forwarded to Formal Hearing as expeditiously as possible.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members were in favor of the motion: Patrick N. Connell, M.D., Dan Eckstrom, Robert P. Goldfarb, M.D., Ram R. Krishna, M.D., Douglas D. Lee, M.D., Lorraine Mackstaller, M.D., William R. Martin, III, M.D., Dona Pardo, Ph.D., R.N., Germaine Proulx, and Amy J. Schneider, M.D.

Vote: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

William R. Martin, III, M.D. urged Dr. Gibbs to stop practicing immediately.



The meeting adjourned at 5:28pm.

A handwritten signature in black ink, appearing to read "Timothy C. Miller".

Timothy C. Miller, J.D., Executive Director